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OCT 15 2008

60,469-054
OT-4986

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Prewo, et al.
Serial No.: 10/010,937
Filed: 11/13/2001
Group Art Unit: 3682
Examiner: Charles, Marcus
For: ELEVATOR BELT ASSEMBLY WITH NOISE
AND VIBRATION REDUCING GROOVELESS
JACKET ARRANGEMENT

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Box AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed on October 2, 2008, Appellant submits a corrected **Grounds of Rejection to be Reviewed on Appeal** section. The Notice of Non-Compliant Brief indicated that the argument section did not contain headings tracking the grounds of rejection to be reviewed on appeal. The argument section of Appellant's brief tracks the grounds of rejection contained in the final rejection. The grounds of rejection to be reviewed on appeal as stated in Appellant's brief inadvertently included the paragraph, "Claims 19 and 24 stand rejected under 35 U.S.C. §103 based upon the *Prewo* reference." That grounds of rejection is not contained in the final office action. That paragraph has been deleted from the


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grounds of rejection to be reviewed on appeal section of Appellant's brief. Appellant respectfully submits that the brief is in full compliance with the rules.

Respectfully submitted,

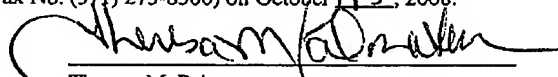
CARLSON, GASKEY & OLDS, P.C.

October 15, 2008
Date


David J. Gaskey
Registration No. 37,139
400 W. Maple, Suite 350
Birmingham, MI 48009
(248) 988-8360

CERTIFICATE OF FACSIMILE

I hereby certify that this Appeal Brief, relative to Application Serial No. 10/010,937 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on October 15, 2008.


Theresa M. Palmateer

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CORRECTED GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
SECTION OF APPEAL BRIEF

Box AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please replace the Grounds of Rejection to be Reviewed on Appeal, beginning on page 7 of Appellants Appeal Brief filed September 16, 2008, with the following:

Grounds of Rejection to be Reviewed on Appeal

Claims 1, 3-4, 9, 15-16, 20, 24, 28-37, 40 and 42 stand rejected under 35 U.S.C. §103 based upon the proposed combination of the *Prewo* reference (WO 01/14630) and the *Kilborn, et al.* reference (U.S. Patent No. 2,740,459).

Claim 2 stands rejected under 35 U.S.C. §103 based upon the proposed combination of the *Prewo* reference, the *Kilborn, et al.* reference and the *Nassimbene* reference (U.S. Patent No. 2,194,833).

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Claims 5-7 stand rejected under 35 U.S.C. §103 based upon the proposed combination of the *Prewo* and *Kilborn, et al.* references combined with the *Harper* reference (U.S. Patent No. 3,848,037).

Claim 8 stands rejected under 35 U.S.C. §103 as being unpatentable over the proposed combination of the *Prewo* reference, the *Kilborn, et al.* reference and the *Tsai* reference (U.S. Patent No. 6,727,433).

Claims 14 and 41 stand rejected under 35 U.S.C. §103 based upon the proposed combination of the *Prewo* reference and the *Harper* reference.

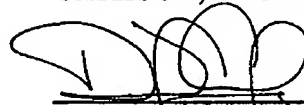
Claims 17-18 stand rejected under 35 U.S.C. §103 based upon the proposed combination of the *Prewo* and *Kilborn, et al.* references combined with the *Harper* reference (U.S. Patent No. 3,848,037).

Claims 21-23, 26 and 27 stand rejected under 35 U.S.C. §103 based upon the proposed combination of the *Prewo* reference and the *Harper* reference.

Claims 35 and 39 stand rejected under 35 U.S.C. §103 based upon the proposed combination of the *Prewo* and *Harper* references combined with the *Pitts, et al.* reference (U.S. Published Application No. 2003/0069101).

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.



October 15, 2008
Date

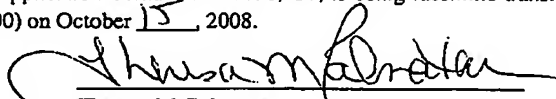
David J. Gaskey
Registration No. 37,139
400 W. Maple, Suite 350
Birmingham, MI 48009
(248) 988-8360

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CERTIFICATE OF FACSIMILE

I hereby certify that this CORRECTED GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL SECTION OF APPEAL BRIEF, relative to Application Serial No. 10/010,937, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on October 15, 2008.


Theresa M. Palmateer